IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH

FAO.No.1220 of 2007

DATE OF ORDER: 22.3.2007

Ajay Kumar

...Petitioner(s)

Versus

Jee Ram and Others

....Respondent(s)

CORUM : HON'BLE MR. JUSTICE M.M. AGGARWAL

.*.*.*.

Present: Mr. D.S. Sharma, Advocate.

M.M. AGGARWAL,J

This is an appeal filed by Ajay Kumar owner of the offending tractor against award dated 20.11.2006 passed by MACT, Hisar. The offending tractor in this case was not insured. The deceased was Ashok Kumar. As far as incident is concerned, there is an FIR also and then evidence is there regarding negligence of the driver.

On behalf of the appellant, it is argued that the deceased was unmarried boy of just 20 years and that the MACT had erred in deducting 1/5th amount towards personal expenses and assessing the income at Rs.2500/- per month. It is argued that the personal expenses should have been assessed at least at 1/3rd. There being no satisfactory evidence regarding income, it should have been assessed on the lower side and that the compensation of Rs.2,93,000/- was on the higher side. Counsel for the appellant relied on judgments reported in New India Assurance Co Ltd v. Charlie and another, 2005(2) RCR (Civil), 550 and National Insurance Company Ltd v. Ajmer Singh and Others, 2006(3) RCR (Civil), 499.

The compensation in motor accident claim cases is to be just and fair in the facts and circumstances of each particular case. In this case, deceased was 20 years of age. The age of the father was 46 years. As per father of the deceased, the deceased was earning Rs.8000/- per month.

Deceased was stated to be doing the work of Book Binder.Motor Accident Claims Tribunal had assessed the income of Rs.2500/- per month taking into account the fact that the labourer earns Rs.2000/- per month.

Since the deceased was unmarried, the deduction of personal expenses of 1/5th cannot be said to be improper in any way. Only multiplier of 12 was applied. In this case, Rs.2,93,000/- were awarded which is just and fair compensation.

No interference is called for. Dismissed.

March 22, 2007 (M.M. AGGARWAL)
manoj JUDGE